IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

OP.No. 10201 of 2003(M)

PETITIONERS:
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1. **REGEE POTHEN THOMAS,**
   SAROMA, KAYYALATH SOUTH LANE, N.C.C. ROAD,
   AMBALAMUKKU, THIRUVANANTHAPURAM.

2. **REGINA ELIZABETH THOMAS,**
   SAROMA, KAYYALATH SOUTH LANE, N.C.C. ROAD,
   AMBALAMUKKU, THIRUVANANTHAPURAM.

3. **MOLINA SUSAN THOMAS,**
   SAROMA, KAYYALATH SOUTH LANE, N.C.C ROAD,
   AMBALAMUKKU, THIRUVANANTHAPURAM.

BY ADV. SRI.BECHU KURIAN THOMAS

RESPONDENTS:
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1. **STATE BANK OF TRAVANCORE,**
   M.G. ROAD, ERNAKULAM.

2. **RECOVERY OFFICER,**
   OFFICE OF THE RECOVERY OFFICER,
   DEBT RECOVERY TRIBUNAL, ERNAKULAM.

3. **DEBT RECOVERY TRIBUNAL (KERALA AND**
   LAKSHADWEEP), 8TH FLOOR, K.S.H.B. BLDG.,
   ERNAKULAM.

.....2/-

4. M/S. CONSTRUCTION ENGINEERS AND
AILED TECHNICAL SERVICE (P) LTD. TC.15/1740,
PANAVILA JUNCTION, TRIVANDRUM.

*ADDL.R5 IS IMPLEADED:

R5. GEORGE M.NINAN,
S/O.M.V.NINAN,
HOUSE NO.C.C.32/1744,
PALARIVATTOM, VENNALA P.O.,
COCHIN – 682 025.

(ADDL.R5 IS IMPLEADED AS PER ORDER DTD. 8/04/2003 IN C.M.P.NO.19637/2003)

BY ADV. SMT.GIRIJA.L., ADDL.CGSC for R2 & R3
SRI.V.K.VISWAMBHARAN for Addl.R5
SRI.K.K.APPU
SRI.R.S.KALKURA, SC, SBT

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 21/06/2007 ALONG WITH OP NO. 12369 OF 2003, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON C.M.P.NO.17601/2003 AND I.A.NO.12318/2003 IN O.P.NO.10201/2003 M

DISMISSED

21/06/2007 **SD/- PIUS C. KURIAKOSE, JUDGE**

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE JUDGMENT DTD. 15/02/2001 IN T.A.1204/97 ON THE FILES OF THE DEBT RECOVERY TRIBUNAL, ERNAKULAM.**

EXT.P2: **COPY OF THE REVIEW PETITION DTD. 14/05/2001 AND NUMBERED AS R.A.1/2001 IN T.A.NO.1204/97.**

EXT.P3: **COPY OF THE ORDER DTD. 4/04/2002 IN R.A.1/2001 IN T.A.NO.1204/97.**

EXT.P4: **COPY OF THE NOTICE OF DEMAND DTD. 3/03/03 NUMBERED AS DRC NO.975/SBT/ERNAKULAM ISSUED BY THE 2ND RESPONDENT TO THE PETITIONERS.**

/TRUE COPY/

KSS

PIUS C. KURIAKOSE,J.

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O.P. No.10201 of 2003

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Dated: 21st June, 2007

JUDGMENT

The issue involved in this case is essentially between the petitioners and the 1st respondent-Bank. Since both of them are before me the Original Petition need not be treated as defective.

2. In view of the conceded position that the original decree passed by the Debts Recovery Tribunal was reviewed by the Tribunal itself and that as per the reviewed decree personal execution is not permitted against the petitioners, the Original Petition will stand disposed of directing the 1st respondent-Bank not to levy personal execution against the petitioners. Ext.P4 is quashed to the extent it requests initiation of personal execution against the petitioners.

srd **PIUS C.KURIAKOSE, JUDGE**